

By: McClendon, Davis of Dallas, Phillips,
Harper-Brown, Smith of Tarrant

H.B. No. 3097

Substitute the following for H.B. No. 3097:

By: Pickett

C.S.H.B. No. 3097

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, duties, and functions of
the Texas Department of Motor Vehicles; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. TEXAS DEPARTMENT OF MOTOR VEHICLES

SECTION 1.01. Title 7, Transportation Code, is amended by
adding Subtitle M to read as follows:

SUBTITLE M. DEPARTMENT OF MOTOR VEHICLES

CHAPTER 1001. ORGANIZATION OF DEPARTMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1001.001. DEFINITIONS. In this subtitle:

(1) "Board" means the board of the department.

(2) "Department" means the Texas Department of Motor
Vehicles.

Sec. 1001.002. CREATION OF DEPARTMENT; DUTIES. (a) The
department is created as an agency of this state.

(b) In addition to the other duties required of the Texas
Department of Motor Vehicles, the department shall administer and
enforce:

(1) Subtitle A;

(2) Chapters 642, 643, 645, 646, and 648; and

(3) Chapters 2301 and 2302, Occupations Code.

Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department
is composed of an executive director appointed by the board and

other employees required to efficiently implement:

(1) this subtitle;

(2) other applicable vehicle laws of this state; and

(3) other laws that grant jurisdiction to or are applicable to the department.

Sec. 1001.004. DIVISIONS. The board shall organize the department into divisions to accomplish the department's functions and the duties assigned to it, including divisions for:

(1) administration;

(2) motor carriers;

(3) motor vehicles; and

(4) vehicle titles and registration.

Sec. 1001.005. SUNSET PROVISION. The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2015.

[Sections 1001.006-1001.020 reserved for expansion]

SUBCHAPTER B. BOARD OF DEPARTMENT OF MOTOR VEHICLES

Sec. 1001.021. BOARD. (a) The board consists of nine members appointed by the governor with the advice and consent of the senate. Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(b) Three members shall be appointed to represent motor vehicle dealers, one of whom must be a new vehicle dealer, one of whom must be a used vehicle dealer, and one of whom must be a heavy-duty truck dealer; one member must be a county tax

1 assessor-collector; one member shall be appointed to represent the
2 motor carrier industry; one member must be a law enforcement
3 officer; and two members shall be appointed to represent the
4 general public. The member who is a law enforcement officer may not
5 be a state employee.

6 (c) A person may not be a public member of the board if the
7 person or the person's spouse:

8 (1) is registered, certified, or licensed by the
9 department;

10 (2) is employed by or participates in the management
11 of a business entity or other organization regulated by or
12 receiving money from the department;

13 (3) owns or controls, directly or indirectly, more
14 than a 10 percent interest in a business entity or other
15 organization regulated by or receiving money from the department;
16 or

17 (4) uses or receives a substantial amount of tangible
18 goods, services, or money from the department other than
19 compensation or reimbursement authorized by law for board
20 membership, attendance, or expenses.

21 Sec. 1001.022. TERMS. Members of the board serve staggered
22 six-year terms, with the terms of either one or two members expiring
23 February 1 of each odd-numbered year.

24 Sec. 1001.023. PRESIDING OFFICER OF BOARD. (a) The
25 governor shall designate a member of the board as the presiding
26 officer of the board to serve in that capacity at the pleasure of
27 the governor.

1 (b) The presiding officer shall:

2 (1) preside over board meetings, make rulings on
3 motions and points of order, and determine the order of business;

4 (2) create subcommittees, appoint board members to
5 subcommittees, and receive the reports of subcommittees to the
6 board as a whole; and

7 (3) appoint a member of the board to act in the
8 presiding officer's absence.

9 Sec. 1001.024. BOARD MEETINGS. The board shall hold
10 meetings at least quarterly or at the call of the presiding officer.
11 Board members shall attend the meetings of the board. The presiding
12 officer shall oversee the preparation of an agenda for each meeting
13 and ensure that a copy is provided to each board member at least
14 seven days before the meeting.

15 Sec. 1001.025. COMPENSATION. A member of the board is not
16 entitled to compensation, but each member is entitled to
17 reimbursement for actual and necessary expenses incurred in
18 performing functions as a member of the board as provided by the
19 General Appropriations Act.

20 Sec. 1001.026. GROUNDS FOR REMOVAL. (a) It is a ground for
21 removal from the board that a board member:

22 (1) does not have at the time of taking office the
23 qualifications required by Section 1001.021;

24 (2) does not maintain during service on the board the
25 qualifications required by Section 1001.021;

26 (3) is ineligible for membership under Section
27 1001.021(c), 1001.031, or 1001.043;

1 (4) cannot, because of illness or disability,
2 discharge the member's duties for a substantial part of the member's
3 term; or

4 (5) is absent from more than half of the regularly
5 scheduled board meetings that the member is eligible to attend
6 during a calendar year without an excuse approved by a majority
7 vote of the board.

8 (b) The validity of an action of the board is not affected by
9 the fact that it is taken when a ground for removal of a board member
10 exists.

11 (c) If the executive director of the department has
12 knowledge that a potential ground for removal exists, the executive
13 director shall notify the presiding officer of the board of the
14 potential ground. The presiding officer shall then notify the
15 governor and the attorney general that a potential ground for
16 removal exists. If the potential ground for removal involves the
17 presiding officer, the executive director shall notify the next
18 highest ranking officer of the board, who shall then notify the
19 governor and the attorney general that a potential ground for
20 removal exists.

21 Sec. 1001.027. TRAINING ON DEPARTMENT AND CERTAIN LAWS
22 RELATING TO DEPARTMENT. (a) A person who is appointed to and
23 qualifies for office as a member of the board may not vote,
24 deliberate, or be counted as a member in attendance at a meeting of
25 the board until the person completes a training program that
26 complies with this section.

27 (b) The training program must provide the person with

information regarding:

(1) the legislation that created the department;

(2) the programs, functions, rules, and budget of the department;

(3) the results of the most recent formal audit of the department;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts-of-interest; and

(5) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 1001.028. TECHNOLOGICAL SOLUTIONS. The board shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

Sec. 1001.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution

1 procedures under Chapter 2009, Government Code, to assist in the
2 resolution of internal and external disputes under the department's
3 jurisdiction.

4 (b) The department's procedures relating to alternative
5 dispute resolution must conform, to the extent possible, to any
6 model guidelines issued by the State Office of Administrative
7 Hearings for the use of alternative dispute resolution by state
8 agencies.

9 (c) The board shall designate a trained person to:

10 (1) coordinate the implementation of the policy
11 adopted under Subsection (a);

12 (2) serve as a resource for any training needed to
13 implement the procedures for negotiated rulemaking or alternative
14 dispute resolution; and

15 (3) collect data concerning the effectiveness of those
16 procedures, as implemented by the department.

17 Sec. 1001.030. ADVISORY COMMITTEES. (a) The board shall
18 establish separate advisory committees for the motor carrier, motor
19 vehicles, and vehicle titles and registration divisions to make
20 recommendations to the board or the executive director on the
21 operation of the applicable division. A committee has the
22 purposes, powers, and duties, including the manner of reporting its
23 work, prescribed by the board. A committee and each committee
24 member serves at the will of the board.

25 (b) The board shall appoint persons to each advisory
26 committee who:

27 (1) are selected from a list provided by the executive

1 director; and

2 (2) have knowledge about and interests in, and
3 represent a broad range of viewpoints about, the work of the
4 committee or applicable division.

5 (c) The advisory committee for the motor vehicles division
6 must include a member to represent motor vehicle manufacturers and
7 a member to represent the recreational vehicle industry.

8 (d) The advisory committee for the motor carrier division
9 must include a member to represent the motor transportation
10 industry.

11 (e) A member of an advisory committee may not be compensated
12 by the board or the department for committee service.

13 Sec. 1001.031. CONFLICTS OF INTEREST. (a) In this section,
14 "Texas trade association" means a cooperative and voluntarily
15 joined statewide association of business or professional
16 competitors in this state designed to assist its members and its
17 industry or profession in dealing with mutual business or
18 professional problems and in promoting their common interest.

19 (b) A person may not be a member of the board and may not be a
20 department employee employed in a "bona fide executive,
21 administrative, or professional capacity," as that phrase is used
22 for purposes of establishing an exemption to the overtime
23 provisions of the federal Fair Labor Standards Act of 1938 (29
24 U.S.C. Section 201 et seq.) if:

25 (1) the person is an officer, employee, or paid
26 consultant of a Texas trade association in the field of motor
27 dealers or motor carriers; or

1 (2) the person's spouse is an officer, manager, or paid
2 consultant of a Texas trade association in the motor vehicle or
3 motor carrier industry or of a tax assessor-collector or law
4 enforcement trade association.

5 (c) A person may not be a member of the board or act as the
6 general counsel to the board or the department if the person is
7 required to register as a lobbyist under Chapter 305, Government
8 Code, because of the person's activities for compensation on behalf
9 of a profession related to the operation of the department.

10 Sec. 1001.032. COOPERATION WITH TEXAS DEPARTMENT OF
11 TRANSPORTATION. The board and the Texas Transportation Commission
12 shall establish mutually agreeable procedures to ensure that the
13 Texas Department of Transportation has access to information
14 contained in the electronic database of vehicle titles and
15 registrations as needed for toll operations and other functions of
16 the Texas Department of Transportation.

17 [Sections 1001.033-1001.040 reserved for expansion]

18 SUBCHAPTER C. PERSONNEL

19 Sec. 1001.041. DIVISION OF RESPONSIBILITIES. The board
20 shall develop and implement policies that clearly separate the
21 policymaking responsibilities of the board and the management
22 responsibilities of the executive director and the staff of the
23 department.

24 Sec. 1001.042. APPLICATION OF LAW RELATING TO ETHICAL
25 CONDUCT. The board, the executive director, and each employee or
26 agent of the department is subject to the code of ethics and the
27 standard of conduct imposed by Chapter 572, Government Code, and

1 any other law regulating the ethical conduct of state officers and
2 employees.

3 Sec. 1001.043. LOBBYING ACTIVITIES. A person may not serve
4 as the executive director or act as the general counsel to the
5 department if the person is required to register as a lobbyist under
6 Chapter 305, Government Code, because of the person's activities
7 for compensation on behalf of an occupation related to the
8 operation of the department.

9 CHAPTER 1002. RULES

10 Sec. 1002.001. GENERAL RULEMAKING AUTHORITY. The board may
11 adopt any rules necessary and appropriate to implement the powers
12 and duties of the department under this code and other laws of this
13 state.

14 CHAPTER 1003. PUBLIC ACCESS

15 Sec. 1003.001. PUBLIC COMMENT. The board shall develop and
16 implement policies that provide the public with a reasonable
17 opportunity to appear before the board and to speak on any issue
18 under the jurisdiction of the department.

19 Sec. 1003.002. COMPLAINT PROCEDURES. (a) The department
20 shall maintain a system to promptly and efficiently act on
21 complaints filed with the department. The department shall
22 maintain information about parties to the complaint, the subject
23 matter of the complaint, a summary of the results of the review or
24 investigation of the complaint, and its disposition.

25 (b) The department shall make information available
26 describing its procedures for complaint investigation and
27 resolution.

1 (c) The department shall periodically notify the complaint
2 parties of the status of the complaint until final disposition.

3 ARTICLE 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT
4 OF TRANSPORTATION

5 PART A. GENERAL PROVISIONS AND ADMINISTRATION

6 SECTION 2A.01. Section 201.202(a), Transportation Code, is
7 amended to read as follows:

8 (a) The commission shall organize the department into
9 divisions to accomplish the department's functions and the duties
10 assigned to it, including divisions for:

- 11 (1) aviation;
12 (2) highways and roads; and
13 (3) public transportation~~[, and~~
14 ~~[(4) motor vehicle titles and registration]~~.

15 SECTION 2A.02. Section 201.931(2), Transportation Code, is
16 amended to read as follows:

17 (2) "License" includes:

18 (A) a permit issued by the department that
19 authorizes the operation of a vehicle and its load or a combination
20 of vehicles and load exceeding size or weight limitations; and

21 (B) ~~[a motor carrier registration issued under~~
22 ~~Chapter 643,~~

23 ~~[(C) a vehicle storage facility license issued~~
24 ~~under Chapter 2303, Occupations Code,~~

25 ~~[(D)]~~ a license or permit for outdoor advertising
26 issued under Chapter 391 or 394~~[,~~

27 ~~[(E) a salvage vehicle dealer or agent license~~

1 ~~issued under Chapter 2302, Occupations Code,~~
2 ~~[(F) specially designated or specialized license~~
3 ~~plates issued under Subchapters E and F, Chapter 502, and~~
4 ~~[(C) an apportioned registration issued~~
5 ~~according to the International Registration Plan under Section~~
6 ~~502.054].~~

7 SECTION 2A.03. Section 222.001, Transportation Code, is
8 amended to read as follows:

9 Sec. 222.001. USE OF STATE HIGHWAY FUND. (a) Money that is
10 required to be used for public roadways by the Texas Constitution or
11 federal law and that is deposited in the state treasury to the
12 credit of the state highway fund, including money deposited to the
13 credit of the state highway fund under Title 23, United States Code,
14 may be used only:

- 15 (1) to improve the state highway system;
16 (2) to mitigate adverse environmental effects that
17 result directly from construction or maintenance of a state highway
18 by the department; or
19 (3) by the Department of Public Safety to police the
20 state highway system and to administer state laws relating to
21 traffic and safety on public roads.

22 (b) For any state fiscal year, the Texas Department of Motor
23 Vehicles may not be appropriated more than \$100 million from money
24 in the state highway fund.

25 PART B. STATE HIGHWAY TOLL PROJECTS

26 SECTION 2B.01. Sections 228.055(b) and (h), Transportation
27 Code, are amended to read as follows:

1 (b) The department may impose and collect the
2 administrative fee, so as to recover the cost of collecting the
3 unpaid toll, not to exceed \$100. The department shall send a
4 written notice of nonpayment to the registered owner of the vehicle
5 at that owner's address as shown in the vehicle registration
6 records of the Texas Department of Motor Vehicles [~~department~~] by
7 first class mail and may require payment not sooner than the 30th
8 day after the date the notice was mailed. The registered owner
9 shall pay a separate toll and administrative fee for each event of
10 nonpayment under Section 228.054.

11 (h) In this section, "registered owner" means the owner of a
12 vehicle as shown on the vehicle registration records of the Texas
13 Department of Motor Vehicles [~~department~~] or the analogous
14 department or agency of another state or country.

15 SECTION 2B.02. Section 228.056(b), Transportation Code, is
16 amended to read as follows:

17 (b) In the prosecution of an offense under Section
18 228.055(c), (d), or (e):

19 (1) it is presumed that the notice of nonpayment was
20 received on the fifth day after the date of mailing;

21 (2) a computer record of the Texas Department of Motor
22 Vehicles [~~department~~] of the registered owner of the vehicle is
23 prima facie evidence of its contents and that the defendant was the
24 registered owner of the vehicle when the underlying event of
25 nonpayment under Section 228.054 occurred; and

26 (3) a copy of the rental, lease, or other contract
27 document covering the vehicle on the date of the underlying event of

1 nonpayment under Section 228.054 is prima facie evidence of its
2 contents and that the defendant was the lessee of the vehicle when
3 the underlying event of nonpayment under Section 228.054 occurred.

4 PART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND
5 HIGHWAYS IN CERTAIN COUNTIES

6 SECTION 2C.01. Sections 284.0701(b), (e), and (h),
7 Transportation Code, are amended to read as follows:

8 (b) The county may impose and collect the administrative
9 cost so as to recover the expense of collecting the unpaid toll, not
10 to exceed \$100. The county shall send a written notice of
11 nonpayment to the registered owner of the vehicle at that owner's
12 address as shown in the vehicle registration records of the Texas
13 Department of Motor Vehicles [~~department~~] by first-class mail not
14 later than the 30th day after the date of the alleged failure to pay
15 and may require payment not sooner than the 30th day after the date
16 the notice was mailed. The registered owner shall pay a separate
17 toll and administrative cost for each event of nonpayment under
18 Section 284.070.

19 (e) It is an exception to the application of Subsection (a)
20 or (c) if the registered owner of the vehicle transferred ownership
21 of the vehicle to another person before the event of nonpayment
22 under Section 284.070 occurred, submitted written notice of the
23 transfer to the Texas Department of Motor Vehicles [~~department~~] in
24 accordance with Section 520.023, and before the 30th day after the
25 date the notice of nonpayment is mailed, provides to the county the
26 name and address of the person to whom the vehicle was transferred.
27 If the former owner of the vehicle provides the required

1 information within the period prescribed, the county may send a
2 notice of nonpayment to the person to whom ownership of the vehicle
3 was transferred at the address provided by the former owner by
4 first-class mail before the 30th day after the date of receipt of
5 the required information from the former owner. The subsequent
6 owner of the vehicle for which the proper toll was not paid who is
7 mailed a written notice of nonpayment under this subsection and
8 fails to pay the proper toll and administrative cost within the time
9 specified by the notice of nonpayment commits an offense. The
10 subsequent owner shall pay a separate toll and administrative cost
11 for each event of nonpayment under Section 284.070. Each failure to
12 pay a toll or administrative cost under this subsection is a
13 separate offense.

14 (h) In this section, "registered owner" means the owner of a
15 vehicle as shown on the vehicle registration records of the Texas
16 Department of Motor Vehicles [~~department~~] or the analogous
17 department or agency of another state or country.

18 PART D. CERTIFICATE OF TITLE ACT

19 SECTION 2D.01. Section 501.002(3), Transportation Code, is
20 amended to read as follows:

21 (3) "Department" means the Texas Department of Motor
22 Vehicles [~~Transportation~~].

23 SECTION 2D.02. Section 501.091, Transportation Code, is
24 amended by amending Subdivision (17) and adding Subdivision (20) to
25 read as follows:

26 (17) "Salvage vehicle dealer" means a person engaged
27 in this state in the business of acquiring, selling, [~~dismantling,~~]

1 repairing, rebuilding, reconstructing, or otherwise dealing in
2 nonrepairable motor vehicles or ~~[7]~~ salvage motor vehicles~~[, or~~
3 ~~used parts]~~. The term does not include a person who casually
4 repairs, rebuilds, or reconstructs fewer than five ~~[three]~~ salvage
5 motor vehicles in the same calendar year or a person who deals in
6 used automotive parts. The term includes a person engaged in the
7 business of:

8 (A) a salvage vehicle dealer, regardless of
9 whether the person holds a license issued by the department to
10 engage in that business; or

11 (B) dealing in nonrepairable motor vehicles or
12 salvage motor vehicles~~[, regardless of whether the person deals in~~
13 ~~used parts; or~~

14 ~~[(C) dealing in used parts regardless of whether~~
15 ~~the person deals in nonrepairable motor vehicles or salvage motor~~
16 ~~vehicles].~~

17 (20) "Used parts dealer" and "used automotive parts
18 recycler" have the meaning assigned to "used automotive parts
19 recycler" by Section 2309.002, Occupations Code.

20 SECTION 2D.03. Section 501.092(d), Transportation Code, is
21 amended to read as follows:

22 (d) An insurance company may sell a motor vehicle to which
23 this section applies, or assign a salvage vehicle title or a
24 nonrepairable vehicle title for the motor vehicle, only to a
25 salvage vehicle dealer, an out-of-state buyer, a buyer in a casual
26 sale at auction, ~~[or]~~ a metal recycler, or a used automotive parts
27 recycler. If the motor vehicle is not a salvage motor vehicle or a

1 nonrepairable motor vehicle, the insurance company is not required
2 to surrender the regular certificate of title for the vehicle or to
3 be issued a salvage vehicle title or a nonrepairable vehicle title
4 for the motor vehicle.

5 SECTION 2D.04. Sections 501.095(a) and (b), Transportation
6 Code, are amended to read as follows:

7 (a) If the department has not issued a nonrepairable vehicle
8 title or salvage vehicle title for the motor vehicle and an
9 out-of-state ownership document for the motor vehicle has not been
10 issued by another state or jurisdiction, a business or governmental
11 entity described by Subdivisions (1)-(3) may sell, transfer, or
12 release a nonrepairable motor vehicle or salvage motor vehicle only
13 to a person who is:

14 (1) a licensed salvage vehicle dealer, a used
15 automotive parts recycler under Chapter 2309, Occupations Code, or
16 a metal recycler under Chapter 2302, Occupations Code;

17 (2) an insurance company that has paid a claim on the
18 nonrepairable or salvage motor vehicle;

19 (3) a governmental entity; or

20 (4) an out-of-state buyer.

21 (b) A person, other than a salvage vehicle dealer, a used
22 automotive parts recycler, or an insurance company licensed to do
23 business in this state, who acquired ownership of a nonrepairable
24 or salvage motor vehicle that has not been issued a nonrepairable
25 vehicle title, salvage vehicle title, or a comparable ownership
26 document issued by another state or jurisdiction shall, before
27 selling the motor vehicle, surrender the properly assigned

certificate of title for the motor vehicle to the department and
apply to the department for:

(1) a nonrepairable vehicle title if the vehicle is a
nonrepairable motor vehicle; or

(2) a salvage vehicle title if the vehicle is a salvage
motor vehicle.

SECTION 2D.05. Section 501.105, Transportation Code, is
amended to read as follows:

Sec. 501.105. RETENTION OF RECORDS RELATING TO CERTAIN
CASUAL SALES. Each licensed salvage vehicle dealer, used
automotive parts recycler, or insurance company that sells a
nonrepairable motor vehicle or a salvage motor vehicle at a casual
sale shall keep on the business premises of the dealer or the
insurance company a list of all casual sales made during the
preceding 36-month period that contains:

- (1) the date of the sale;
- (2) the name of the purchaser;
- (3) the name of the jurisdiction that issued the
identification document provided by the purchaser, as shown on the
document; and
- (4) the vehicle identification number.

PART E. REGISTRATION OF VEHICLES

SECTION 2E.01. Section 502.001(3), Transportation Code, is
amended to read as follows:

(3) "Department" means the Texas Department of Motor
Vehicles [~~Transportation~~].

SECTION 2E.02. Sections 502.053(a) and (b), Transportation

Code, are amended to read as follows:

(a) The department [~~Texas Department of Transportation~~] shall reimburse the Texas Department of Criminal Justice for the cost of manufacturing license plates or registration insignia as the license plates or insignia and the invoice for the license plates or insignia are delivered to the department [~~Texas Department of Transportation~~].

(b) When manufacturing is started, the Texas Department of Criminal Justice, the department [~~Texas Department of Transportation~~], and the comptroller, after negotiation, shall set the price to be paid for each license plate or insignia. The price must be determined from:

- (1) the cost of metal, paint, and other materials purchased;
- (2) the inmate maintenance cost per day;
- (3) overhead expenses;
- (4) miscellaneous charges; and
- (5) a previously approved amount of profit for the work.

PART F. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES

SECTION 2F.01. Sections 503.001(2) and (5), Transportation Code, are amended to read as follows:

(2) "Commission" means the board of the Texas Department of Motor Vehicles [~~Texas Transportation Commission~~].

(5) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART G. MISCELLANEOUS PROVISIONS

SECTION 2G.01. Section 520.001, Transportation Code, is amended to read as follows:

Sec. 520.001. DEFINITION. In this chapter, "department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART H. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SECTION 2H.01. Section 551.302, Transportation Code, is amended to read as follows:

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles [~~Transportation~~] may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

PART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

SECTION 2I.01. Section 601.023, Transportation Code, is amended to read as follows:

Sec. 601.023. PAYMENT OF STATUTORY FEES. The department may pay:

(1) a statutory fee required by the Texas Department of Motor Vehicles [~~Transportation~~] for a certified abstract or in connection with suspension of a vehicle registration; or

(2) a statutory fee payable to the comptroller for issuance of a certificate of deposit required by Section 601.122.

SECTION 2I.02. Section 601.451, Transportation Code, as added by Chapter 892 (S.B. 1670), Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 601.451. DEFINITION. In this subchapter, "implementing agencies" means:

(1) the department;

(2) the Texas Department of Motor Vehicles
[~~Transportation~~];

(3) the Texas Department of Insurance; and

(4) the Department of Information Resources.

SECTION 2I.03. Subchapter N, Chapter 601, Transportation Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th Legislature, Regular Session, 2003, is repealed.

PART J. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES

SECTION 2J.01. Section 642.002(d), Transportation Code, is amended to read as follows:

(d) The Texas Department of Motor Vehicles [~~Transportation~~] by rule may prescribe additional requirements regarding the form of the markings required by Subsection (a)(2) that are not inconsistent with that subsection.

PART K. MOTOR CARRIER REGISTRATION

SECTION 2K.01. Section 643.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART L. SINGLE STATE REGISTRATION

SECTION 2L.01. Section 645.001, Transportation Code, is amended to read as follows:

Sec. 645.001. FEDERAL MOTOR CARRIER REGISTRATION. The Texas Department of Motor Vehicles [~~Transportation~~] may, to the fullest extent practicable, participate in a federal motor carrier registration program under the unified carrier registration system

as defined by Section 643.001 or a ~~[the]~~ single state registration system established under federal law ~~[49 U.S.C. Section 14504]~~.

PART M. MOTOR TRANSPORTATION BROKERS

SECTION 2M.01. Section 646.003(a), Transportation Code, is amended to read as follows:

(a) A person may not act as a motor transportation broker unless the person provides a bond to the Texas Department of Motor Vehicles ~~[Transportation]~~.

PART N. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

SECTION 2N.01. Section 648.002, Transportation Code, is amended to read as follows:

Sec. 648.002. RULES. In addition to rules required by this chapter, the Texas Department of Motor Vehicles ~~[Transportation]~~, the Department of Public Safety, and the Texas Department of Insurance may adopt other rules to carry out this chapter.

PART O. ABANDONED MOTOR VEHICLES

SECTION 2O.01. Section 683.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles ~~[Transportation]~~.

PART P. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

SECTION 2P.01. Section 702.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles ~~[Transportation]~~.

PART Q. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

SECTION 2Q.01. Section 707.001(2), Transportation Code, is

1 amended to read as follows:

2 (2) "Owner of a motor vehicle" means the owner of a
3 motor vehicle as shown on the motor vehicle registration records of
4 the Texas Department of Motor Vehicles [~~Transportation~~] or the
5 analogous department or agency of another state or country.

6 SECTION 2Q.02. Section 707.011(b), Transportation Code, is
7 amended to read as follows:

8 (b) Not later than the 30th day after the date the violation
9 is alleged to have occurred, the designated department, agency, or
10 office of the local authority or the entity with which the local
11 authority contracts under Section 707.003(a)(1) shall mail the
12 notice of violation to the owner at:

13 (1) the owner's address as shown on the registration
14 records of the Texas Department of Motor Vehicles [~~Transportation~~];
15 or

16 (2) if the vehicle is registered in another state or
17 country, the owner's address as shown on the motor vehicle
18 registration records of the department or agency of the other state
19 or country analogous to the Texas Department of Motor Vehicles
20 [~~Transportation~~].

21 SECTION 2Q.03. Section 707.017, Transportation Code, is
22 amended to read as follows:

23 Sec. 707.017. ENFORCEMENT. If the owner of a motor vehicle
24 is delinquent in the payment of a civil penalty imposed under this
25 chapter, the county assessor-collector or the Texas Department of
26 Motor Vehicles [~~Transportation~~] may refuse to register a motor
27 vehicle alleged to have been involved in the violation.

PART R. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

SECTION 2R.01. Section 1(3), Article 4413(37), Revised Statutes, is amended to read as follows:

(3) "Office" [~~"Department"~~] means the office of the governor [~~Texas Department of Transportation~~].

SECTION 2R.02. Section 2, Article 4413(37), Revised Statutes, is amended to read as follows:

Sec. 2. ESTABLISHMENT OF AUTHORITY. The Automobile Burglary and Theft Prevention Authority is established in the office of the governor [~~Texas Department of Transportation~~]. The authority is not an advisory body to the governor [~~Texas Department of Transportation~~].

SECTION 2R.03. Sections 3(h) and (l), Article 4413(37), Revised Statutes, are amended to read as follows:

(h) If a person [~~the director~~] has knowledge that a potential ground for removal exists, the person [~~director~~] shall notify the presiding officer of the authority of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the person [~~director~~] shall notify the next highest officer of the authority, who shall notify the governor and the attorney general that a potential ground for removal exists.

(l) The governor's [~~director or the director's~~] designee shall provide to members of the authority, as often as necessary, information regarding their qualifications for office under this article and their responsibilities under applicable laws relating

1 to standards of conduct for state officers.

2 SECTION 2R.04. Section 5(d), Article 4413(37), Revised
3 Statutes, is amended to read as follows:

4 (d) The training program required by Subsection (c) must
5 provide information to the person regarding:

6 (1) the enabling legislation that created the
7 authority and its policymaking body to which the member is
8 appointed to serve;

9 (2) the programs operated by the authority;

10 (3) the role and functions of the authority;

11 (4) the rules of the authority [~~and the department~~];

12 (5) the current budget for the authority;

13 (6) the results of the most recent formal audit of the
14 authority;

15 (7) the requirements of the:

16 (A) open meetings law, Chapter 551, Government
17 Code;

18 (B) open records law, Chapter 552, Government
19 Code; and

20 (C) administrative procedure law, Chapter 2001,
21 Government Code;

22 (8) the requirements of the conflict-of-interest laws
23 and other laws relating to public officials; and

24 (9) any applicable ethics policies adopted by the
25 office [~~department~~] or the Texas Ethics Commission.

26 SECTION 2R.05. Section 6, Article 4413(37), Revised
27 Statutes, is amended by amending Subsections (c), (d), (e), (f),

1 and (g) and adding Subsections (j) and (k) to read as follows:

2 (c) The authority may use only staff of the office
3 ~~[department]~~ and may delegate authority to the staff as needed.

4 (d) Not later than April 1 of each year, the authority shall
5 report on its activities to the governor, the lieutenant governor,
6 and the speaker of the house of representatives.

7 (e) The authority may be provided various services only by
8 or through the office ~~[department]~~ as needed to carry out its
9 purposes, powers, and duties. These services may include, but are
10 not limited to, legal services not provided by the attorney
11 general, fiscal services, administrative services, and personnel
12 services. Except as provided by this section, the authority may
13 enter into contracts in its own name and on its own behalf with
14 recipients of grants for purposes of this article.

15 (f) The office ~~[department]~~ shall provide personnel and
16 services to the authority as agreed by the authority and the office
17 ~~[department]~~.

18 (g) The authority shall, in coordination with the office
19 ~~[department]~~, develop and implement policies that clearly separate
20 the policymaking responsibilities of the authority and the
21 management responsibilities of the office ~~[department]~~.

22 (j) In addition to any report required under Subsection (i),
23 each year the authority shall prepare and submit an annual
24 financial report in the form and manner required of a state agency
25 by Section 2101.011, Government Code.

26 (k) The authority may not make a grant of appropriated funds
27 unless the grant application is submitted to and approved by the

1 governor, or a person in the office of the governor designated by
2 the governor.

3 SECTION 2R.06. Section 8(a), Article 4413(37), Revised
4 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
5 3225), Acts of the 80th Legislature, Regular Session, 2007, is
6 reenacted and amended to read as follows:

7 (a) Money appropriated to the office [~~department~~] for
8 authority purposes shall be used by the authority to pay the office
9 [~~department~~] for administrative costs and to achieve the purposes
10 of this article, including:

11 (1) establishing and funding the motor vehicle
12 registration program required by Section 9 of this article;

13 (2) providing financial support to law enforcement
14 agencies for economic motor vehicle theft enforcement teams;

15 (3) providing financial support to law enforcement
16 agencies, local prosecutors, judicial agencies, and neighborhood,
17 community, business, and nonprofit organizations for programs
18 designed to reduce the incidence of economic motor vehicle theft;

19 (4) conducting educational programs designed to
20 inform motor vehicle owners of methods of preventing motor vehicle
21 burglary or theft;

22 (5) providing equipment, for experimental purposes,
23 to assist motor vehicle owners in preventing motor vehicle burglary
24 or theft; and

25 (6) establishing a uniform program to prevent stolen
26 motor vehicles from entering Mexico.

27 SECTION 2R.07. Section 8, Article 4413(37), Revised

Statutes, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The cost of personnel and services provided to the authority by the office [~~department~~] and by the attorney general may be paid only from appropriations made for authority purposes. Appropriations made for authority purposes may not be used for any other purpose.

(d) Money received by the authority under this article shall be sent to the comptroller for deposit in a separate account in the treasury.

(e) As part of the appropriation process the legislature shall determine and in the General Appropriations Act the legislature shall specify the amount of money the authority may use to make grants or provide financial assistance under this article during each of the state fiscal years covered by the General Appropriations Act.

SECTION 2R.08. Section 9(e), Article 4413(37), Revised Statutes, is amended to read as follows:

(e) The Department of Public Safety [~~department~~] shall issue to the owner of a motor vehicle registered under this section a decal or other appropriate identifying marker to be affixed to the motor vehicle to indicate that the motor vehicle is registered with the program.

SECTION 2R.09. Section 1(4), Article 4413(37), Revised Statutes, is repealed.

ARTICLE 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF
TRANSPORTATION IN OTHER CODES

PART A. BUSINESS & COMMERCE CODE

SECTION 3A.01. Section 51.003(b), Business & Commerce Code,
as effective April 1, 2009, is amended to read as follows:

(b) In this chapter, "business opportunity" does not
include:

(1) the sale or lease of an established and ongoing
business or enterprise that has actively conducted business before
the sale or lease, whether composed of one or more than one
component business or enterprise, if the sale or lease represents
an isolated transaction or series of transactions involving a bona
fide change of ownership or control of the business or enterprise or
liquidation of the business or enterprise;

(2) a sale by a retailer of goods or services under a
contract or other agreement to sell the inventory of one or more
ongoing leased departments to a purchaser who is granted the right
to sell the goods or services within or adjoining a retail business
establishment as a department or division of the retail business
establishment;

(3) a transaction that is:

(A) regulated by the Texas Department of
Licensing and Regulation, the Texas Department of Insurance, the
Texas Real Estate Commission, or the director of the Motor Vehicle
Division of the Texas Department of Motor Vehicles
~~[Transportation]~~; and

(B) engaged in by a person licensed by one of

1 those agencies;

2 (4) a real estate syndication;

3 (5) a sale or lease to a business enterprise that also
4 sells or leases products, equipment, or supplies or performs
5 services:

6 (A) that are not supplied by the seller; and

7 (B) that the purchaser does not use with the
8 seller's products, equipment, supplies, or services;

9 (6) the offer or sale of a franchise as described by
10 the Petroleum Marketing Practices Act (15 U.S.C. Section 2801 et
11 seq.) and its subsequent amendments;

12 (7) the offer or sale of a business opportunity if the
13 seller:

14 (A) has a net worth of \$25 million or more
15 according to the seller's audited balance sheet as of a date not
16 earlier than the 13th month before the date of the transaction; or

17 (B) is at least 80 percent owned by another
18 person who:

19 (i) in writing unconditionally guarantees
20 performance by the person offering the business opportunity plan;
21 and

22 (ii) has a net worth of more than \$25
23 million according to the person's most recent audited balance sheet
24 as of a date not earlier than the 13th month before the date of the
25 transaction; or

26 (8) an arrangement defined as a franchise by 16 C.F.R.
27 Section 436.2(a) and its subsequent amendments if:

1 (A) the franchisor complies in all material
2 respects in this state with 16 C.F.R. Part 436 and each order or
3 other action of the Federal Trade Commission; and

4 (B) before offering for sale or selling a
5 franchise in this state, a person files with the secretary of state
6 a notice containing:

7 (i) the name of the franchisor;

8 (ii) the name under which the franchisor
9 intends to transact business; and

10 (iii) the franchisor's principal business
11 address.

12 SECTION 3A.02. Section 105.004(b), Business & Commerce
13 Code, as effective April 1, 2009, is amended to read as follows:

14 (b) The Texas Department of Motor Vehicles [~~Transportation~~]
15 shall provide a notice that states the provisions of this chapter to
16 each person with a disability who is issued:

17 (1) license plates under Section 504.201,
18 Transportation Code; or

19 (2) a disabled parking placard under Section 681.004,
20 Transportation Code.

21 PART B. CODE OF CRIMINAL PROCEDURE

22 SECTION 3B.01. Section 1(1), Article 42.22, Code of
23 Criminal Procedure, is amended to read as follows:

24 (1) "Department" means the Texas Department of Motor
25 Vehicles [~~Transportation~~].

26 SECTION 3B.02. Article 59.04(c), Code of Criminal
27 Procedure, is amended to read as follows:

(c) If the property is a motor vehicle, and if there is reasonable cause to believe that the vehicle has been registered under the laws of this state, the attorney representing the state shall ask the Texas Department of Motor Vehicles [~~Transportation~~] to identify from its records the record owner of the vehicle and any interest holder. If the addresses of the owner and interest holder are not otherwise known, the attorney representing the state shall request citation be served on such persons at the address listed with the Texas Department of Motor Vehicles [~~Transportation~~]. If the citation issued to such address is returned unserved, the attorney representing the state shall cause a copy of the notice of the seizure and intended forfeiture to be posted at the courthouse door, to remain there for a period of not less than 30 days. If the owner or interest holder does not answer or appear after the notice has been so posted, the court shall enter a judgment by default as to the owner or interest holder, provided that the attorney representing the state files a written motion supported by affidavit setting forth the attempted service. An owner or interest holder whose interest is forfeited in this manner shall not be liable for court costs. If the person in possession of the vehicle at the time of the seizure is not the owner or the interest holder of the vehicle, notification shall be provided to the possessor in the same manner specified for notification to an owner or interest holder.

PART C. FAMILY CODE

SECTION 3C.01. Section 157.316(b), Family Code, is amended to read as follows:

1 (b) If a lien established under this subchapter attaches to
2 a motor vehicle, the lien must be perfected in the manner provided
3 by Chapter 501, Transportation Code, and the court or Title IV-D
4 agency that rendered the order of child support shall include in the
5 order a requirement that the obligor surrender to the court or Title
6 IV-D agency evidence of the legal ownership of the motor vehicle
7 against which the lien may attach. A lien against a motor vehicle
8 under this subchapter is not perfected until the obligor's title to
9 the vehicle has been surrendered to the court or Title IV-D agency
10 and the Texas Department of Motor Vehicles [~~Transportation~~] has
11 issued a subsequent title that discloses on its face the fact that
12 the vehicle is subject to a child support lien under this
13 subchapter.

14 SECTION 3C.02. Section 232.0022(a), Family Code, is amended
15 to read as follows:

16 (a) The Texas Department of Motor Vehicles [~~Transportation~~]
17 is the appropriate licensing authority for suspension or nonrenewal
18 of a motor vehicle registration under this chapter.

19 SECTION 3C.03. Section 232.014(b), Family Code, is amended
20 to read as follows:

21 (b) A fee collected by the Texas Department of Motor
22 Vehicles [~~Transportation~~] or the Department of Public Safety shall
23 be deposited to the credit of the state highway fund.

24 SECTION 3C.04. Section 264.502(b), Family Code, is amended
25 to read as follows:

26 (b) The members of the committee who serve under Subsections
27 (a)(1) through (3) shall select the following additional committee

1 members:

- 2 (1) a criminal prosecutor involved in prosecuting
- 3 crimes against children;
- 4 (2) a sheriff;
- 5 (3) a justice of the peace;
- 6 (4) a medical examiner;
- 7 (5) a police chief;
- 8 (6) a pediatrician experienced in diagnosing and
- 9 treating child abuse and neglect;
- 10 (7) a child educator;
- 11 (8) a child mental health provider;
- 12 (9) a public health professional;
- 13 (10) a child protective services specialist;
- 14 (11) a sudden infant death syndrome family service
- 15 provider;
- 16 (12) a neonatologist;
- 17 (13) a child advocate;
- 18 (14) a chief juvenile probation officer;
- 19 (15) a child abuse prevention specialist;
- 20 (16) a representative of the Department of Public
- 21 Safety; and
- 22 (17) a representative of the Texas Department of Motor
- 23 Vehicles [~~Transportation~~].

24 PART D. FINANCE CODE

25 SECTION 3D.01. Section 306.001(9), Finance Code, is amended
26 to read as follows:

- 27 (9) "Qualified commercial loan":

(A) means:

(i) a commercial loan in which one or more persons as part of the same transaction lends, advances, borrows, or receives, or is obligated to lend or advance or entitled to borrow or receive, money or credit with an aggregate value of:

(a) \$3 million or more if the commercial loan is secured by real property; or

(b) \$250,000 or more if the commercial loan is not secured by real property and, if the aggregate value of the commercial loan is less than \$500,000, the loan documents contain a written certification from the borrower that:

(1) the borrower has been advised by the lender to seek the advice of an attorney and an accountant in connection with the commercial loan; and

(2) the borrower has had the opportunity to seek the advice of an attorney and accountant of the borrower's choice in connection with the commercial loan; and

(ii) a renewal or extension of a commercial loan described by Subparagraph (i) [~~Paragraph (A)~~], regardless of the principal amount of the loan at the time of the renewal or extension; and

(B) does not include a commercial loan made for the purpose of financing a business licensed by the Motor Vehicle Board of the Texas Department of Motor Vehicles [~~Transportation~~] under Section 2301.251(a), Occupations Code.

SECTION 3D.02. Section 348.001(10-a), Finance Code, is amended to read as follows:

(10-a) "Towable recreation vehicle" means a nonmotorized vehicle that:

(A) was originally designed and manufactured primarily to provide temporary human habitation in conjunction with recreational, camping, or seasonal use;

(B) is titled and registered with the Texas Department of Motor Vehicles [~~Transportation~~] as a travel trailer through a county tax assessor-collector;

(C) is permanently built on a single chassis;

(D) contains at least one life support system; and

(E) is designed to be towable by a motor vehicle.

SECTION 3D.03. Section 348.518, Finance Code, is amended to read as follows:

Sec. 348.518. SHARING OF INFORMATION. To ensure consistent enforcement of law and minimization of regulatory burdens, the commissioner and the Texas Department of Motor Vehicles [~~Transportation~~] may share information, including criminal history information, relating to a person licensed under this chapter. Information otherwise confidential remains confidential after it is shared under this section.

PART E. GOVERNMENT CODE

SECTION 3E.01. Section 411.122(d), Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

(1) Texas Appraiser Licensing and Certification

1 Board;

2 (2) Texas Board of Architectural Examiners;

3 (3) Texas Board of Chiropractic Examiners;

4 (4) State Board of Dental Examiners;

5 (5) Texas Board of Professional Engineers;

6 (6) Texas Funeral Service Commission;

7 (7) Texas Board of Professional Geoscientists;

8 (8) Department of State Health Services, except as

9 provided by Section 411.110, and agencies attached to the

10 department, including:

11 (A) Texas State Board of Examiners of Dietitians;

12 (B) Texas State Board of Examiners of Marriage

13 and Family Therapists;

14 (C) Midwifery Board;

15 (D) Texas State Perfusionist Advisory Committee

16 [~~Board of Examiners of Perfusionists~~];

17 (E) Texas State Board of Examiners of

18 Professional Counselors;

19 (F) Texas State Board of Social Worker Examiners;

20 (G) State Board of Examiners for Speech-Language

21 Pathology and Audiology;

22 (H) Advisory Board of Athletic Trainers;

23 (I) State Committee of Examiners in the Fitting

24 and Dispensing of Hearing Instruments;

25 (J) Texas Board of Licensure for Professional

26 Medical Physicists; and

27 (K) Texas Board of Orthotics and Prosthetics;

- 1 (9) Texas Board of Professional Land Surveying;
- 2 (10) Texas Department of Licensing and Regulation,
- 3 except as provided by Section 411.093;
- 4 (11) Texas Commission on Environmental Quality;
- 5 (12) Texas Board of Occupational Therapy Examiners;
- 6 (13) Texas Optometry Board;
- 7 (14) Texas State Board of Pharmacy;
- 8 (15) Texas Board of Physical Therapy Examiners;
- 9 (16) Texas State Board of Plumbing Examiners;
- 10 (17) Texas State Board of Podiatric Medical Examiners;
- 11 (18) Polygraph Examiners Board;
- 12 (19) Texas State Board of Examiners of Psychologists;
- 13 (20) Texas Real Estate Commission;
- 14 (21) Board of Tax Professional Examiners;
- 15 (22) Texas Department of Transportation;
- 16 (23) State Board of Veterinary Medical Examiners;
- 17 (24) Texas Department of Housing and Community
- 18 Affairs;
- 19 (25) secretary of state;
- 20 (26) state fire marshal;
- 21 (27) Texas Education Agency; ~~and~~
- 22 (28) Department of Agriculture; and
- 23 (29) Texas Department of Motor Vehicles.

24 PART F. HEALTH AND SAFETY CODE

25 SECTION 3F.01. Section 382.209(e), Health and Safety Code,

26 is amended to read as follows:

- 27 (e) A vehicle is not eligible to participate in a low-income

vehicle repair assistance, retrofit, and accelerated vehicle retirement program established under this section unless:

(1) the vehicle is capable of being operated;

(2) the registration of the vehicle:

(A) is current; and

(B) reflects that the vehicle has been registered in the county implementing the program for the 12 months preceding the application for participation in the program;

(3) the commissioners court of the county administering the program determines that the vehicle meets the eligibility criteria adopted by the commission, the Texas Department of Motor Vehicles [~~Transportation~~], and the Public Safety Commission;

(4) if the vehicle is to be repaired, the repair is done by a repair facility recognized by the Department of Public Safety, which may be an independent or private entity licensed by the state; and

(5) if the vehicle is to be retired under this subsection and Section 382.213, the replacement vehicle is a qualifying motor vehicle.

SECTION 3F.02. Section 382.210(f), Health and Safety Code, is amended to read as follows:

(f) In this section, "total cost" means the total amount of money paid or to be paid for the purchase of a motor vehicle as set forth as "sales price" in the form entitled "Application for Texas Certificate of Title" promulgated by the Texas Department of Motor Vehicles [~~Transportation~~]. In a transaction that does not involve

1 the use of that form, the term means an amount of money that is
2 equivalent, or substantially equivalent, to the amount that would
3 appear as "sales price" on the Application for Texas Certificate of
4 Title if that form were involved.

5 SECTION 3F.03. Section 461.017(a), Health and Safety Code,
6 is amended to read as follows:

7 (a) The Drug Demand Reduction Advisory Committee is
8 composed of the following members:

9 (1) five representatives of the public from different
10 geographic regions of the state who have knowledge and expertise in
11 issues relating to reducing drug demand and who are appointed by the
12 commissioner [~~executive director~~] of the Department of State Health
13 Services [~~Texas Commission on Alcohol and Drug Abuse~~]; and

14 (2) one representative of each of the following
15 agencies or offices who is appointed by the executive director or
16 commissioner of the agency or office and who is directly involved in
17 the agency's or office's policies, programs, or funding activities
18 relating to reducing drug demand:

19 (A) the criminal justice division of the
20 governor's office;

21 (B) the Criminal Justice Policy Council;

22 (C) the Department of Family and Protective [~~and~~
23 ~~Regulatory~~] Services;

24 (D) the Department of Public Safety of the State
25 of Texas;

26 (E) the Health and Human Services Commission;

27 (F) the Texas Alcoholic Beverage Commission;

(G) the Department of State Health Services
[~~Texas Commission on Alcohol and Drug Abuse~~];

(H) the Advisory Committee to the Texas Board of
Criminal Justice [~~Texas Council~~] on Offenders with Medical or
Mental Impairments;

(I) the Texas Department of Criminal Justice;

(J) the [~~Texas Department of~~] Health and [~~+~~
[~~(K) the Texas Department of~~] Human Services
Commission;

(K) [~~(L)~~] the [~~Texas~~] Department of Aging and
Disability Services [~~Mental Health and Mental Retardation~~];

(L) [~~(M)~~] the Texas Education Agency;

(M) [~~(N)~~] the Texas Juvenile Probation
Commission;

(N) [~~(O)~~] the Texas Youth Commission;

(O) [~~(P)~~] the Department of Assistive and
Rehabilitative Services [~~Texas Rehabilitation Commission~~];

(P) [~~(Q)~~] the Texas Workforce Commission;

(Q) [~~(R)~~] the Texas Department of Motor Vehicles
[~~Transportation~~];

(R) [~~(S)~~] the comptroller of public accounts;
and

(S) [~~(T)~~] the adjutant general's department.

PART G. HUMAN RESOURCES CODE

SECTION 3G.01. Section 22.041, Human Resources Code, is
amended to read as follows:

Sec. 22.041. THIRD-PARTY INFORMATION. Notwithstanding any

1 other provision of this code, the department may use information
2 obtained from a third party to verify the assets and resources of a
3 person for purposes of determining the person's eligibility and
4 need for medical assistance, financial assistance, or nutritional
5 assistance. Third-party information includes information obtained
6 from:

7 (1) a consumer reporting agency, as defined by Section
8 20.01, Business & Commerce Code;

9 (2) an appraisal district; or

10 (3) the Texas Department of Motor Vehicles
11 [~~Transportation's~~] vehicle registration record database.

12 SECTION 3G.02. Section 32.026(g), Human Resources Code, is
13 amended to read as follows:

14 (g) Notwithstanding any other provision of this code, the
15 department may use information obtained from a third party to
16 verify the assets and resources of a person for purposes of
17 determining the person's eligibility and need for medical
18 assistance. Third-party information includes information obtained
19 from:

20 (1) a consumer reporting agency, as defined by Section
21 20.01, Business & Commerce Code;

22 (2) an appraisal district; or

23 (3) the Texas Department of Motor Vehicles
24 [~~Transportation's~~] vehicle registration record database.

25 PART H. LOCAL GOVERNMENT CODE

26 SECTION 3H.01. Section 130.006, Local Government Code, is
27 amended to read as follows:

1 Sec. 130.006. PROCEDURES FOR COLLECTION OF DISHONORED
2 CHECKS AND INVOICES. A county tax assessor-collector may establish
3 procedures for the collection of dishonored checks and credit card
4 invoices. The procedures may include:

5 (1) official notification to the maker that the check
6 or invoice has not been honored and that the receipt, registration,
7 certificate, or other instrument issued on the receipt of the check
8 or invoice is not valid until payment of the fee or tax is made;

9 (2) notification of the sheriff or other law
10 enforcement officers that a check or credit card invoice has not
11 been honored and that the receipt, registration, certificate, or
12 other instrument held by the maker is not valid; and

13 (3) notification to the Texas Department of Motor
14 Vehicles [~~Transportation~~], the comptroller of public accounts, or
15 the Department of Public Safety that the receipt, registration,
16 certificate, or other instrument held by the maker is not valid.

17 SECTION 3H.02. Section 130.007, Local Government Code, is
18 amended to read as follows:

19 Sec. 130.007. REMISSION TO STATE NOT REQUIRED; STATE
20 ASSISTANCE IN COLLECTION. (a) If a fee or tax is required to be
21 remitted to the comptroller or the Texas Department of Motor
22 Vehicles [~~Transportation~~] and if payment was made to the county tax
23 assessor-collector by a check that was not honored by the drawee
24 bank or by a credit card invoice that was not honored by the credit
25 card issuer, the amount of the fee or tax is not required to be
26 remitted, but the assessor-collector shall notify the appropriate
27 department of:

- (1) the amount of the fee or tax;
- (2) the type of fee or tax involved; and
- (3) the name and address of the maker.

(b) The Texas Department of Motor Vehicles [~~Transportation~~] and the comptroller shall assist the county tax assessor-collector in collecting the fee or tax and may cancel or revoke any receipt, registration, certificate, or other instrument issued in the name of the state conditioned on the payment of the fee or tax.

SECTION 3H.03. Section 130.008, Local Government Code, is amended to read as follows:

Sec. 130.008. LIABILITY OF TAX COLLECTOR FOR VIOLATIONS OF SUBCHAPTER. If the comptroller or the Texas Department of Motor Vehicles [~~Transportation~~] determines that the county tax assessor-collector has accepted payment for fees and taxes to be remitted to that department in violation of Section 130.004 or that more than two percent of the fees and taxes to be received from the assessor-collector are not remitted because of the acceptance of checks that are not honored by the drawee bank or of credit card invoices that are not honored by the credit card issuer, the department may notify the assessor-collector that the assessor-collector may not accept a check or credit card invoice for the payment of any fee or tax to be remitted to that department. A county tax assessor-collector who accepts a check or credit card invoice for the payment of a fee or tax, after notice that the assessor-collector may not receive a check or credit card invoice for the payment of fees or taxes to be remitted to a department, is liable to the state for the amount of the check or credit card

1 invoice accepted.

2 SECTION 3H.04. Section 130.009, Local Government Code, is
3 amended to read as follows:

4 Sec. 130.009. STATE RULES. The comptroller and the Texas
5 Department of Motor Vehicles [~~Transportation~~] may make rules
6 concerning the acceptance of checks or credit card invoices by a
7 county tax assessor-collector and for the collection of dishonored
8 checks or credit card invoices.

9 PART I. OCCUPATIONS CODE

10 SECTION 3I.01. Section 554.009(c), Occupations Code, is
11 amended to read as follows:

12 (c) The board may register a vehicle with the Texas
13 Department of Motor Vehicles [~~Transportation~~] in an alias name only
14 for investigative personnel.

15 SECTION 3I.02. Section 2301.002(9), Occupations Code, is
16 amended to read as follows:

17 (9) "Department" means the Texas Department of Motor
18 Vehicles [~~Transportation~~].

19 SECTION 3I.03. Sections 2301.005(a) and (b), Occupations
20 Code, are amended to read as follows:

21 (a) A reference in law, including a rule, to the Texas Motor
22 Vehicle Commission or to the board means [~~the director, except that~~
23 ~~a reference to~~] the board of the Texas Department of Motor Vehicles
24 [~~means the commission if it is related to the adoption of rules~~].

25 (b) A reference in law, including a rule, to the executive
26 director of the Texas Motor Vehicle Commission means the executive
27 director of the Texas Department of Motor Vehicles.

SECTION 3I.04. Sections 2302.001(2), (3), and (6), Occupations Code, are amended to read as follows:

(2) "Board" [~~"Commission"~~] means the board of the Texas Department of Motor Vehicles [~~Transportation Commission~~].

(3) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

(6) "Salvage vehicle agent" means a person who acquires, sells, or otherwise deals in nonrepairable or salvage motor vehicles or used parts in this state as directed by the salvage vehicle dealer under whose license the person operates. The term does not include a person who:

(A) is a licensed salvage vehicle dealer or a licensed used automotive parts recycler;

(B) is a partner, owner, or officer of a business entity that holds a salvage vehicle dealer license or a used automotive parts recycler license;

(C) is an employee of a licensed salvage vehicle dealer or a licensed used automotive parts recycler; or

(D) only transports salvage motor vehicles for a licensed salvage vehicle dealer or a licensed used automotive parts recycler.

SECTION 3I.05. Section 2302.0015(b), Occupations Code, is amended to read as follows:

(b) For the purpose of enforcing or administering this chapter or Chapter 501 or 502, Transportation Code, a member of the board [~~commission~~], an employee or agent of the board [~~commission~~] or department, a member of the Public Safety Commission, an officer

of the Department of Public Safety, or a peace officer may at a reasonable time:

(1) enter the premises of a business regulated under one of those chapters; and

(2) inspect or copy any document, record, vehicle, part, or other item regulated under one of those chapters.

SECTION 3I.06. Subchapter A, Chapter 2302, Occupations Code, is amended by adding Section 2302.008 to read as follows:

Sec. 2302.008. APPLICABILITY OF CHAPTER TO USED AUTOMOTIVE PARTS RECYCLERS. This chapter does not apply to a used automotive parts recycler licensed under Chapter 2309.

SECTION 3I.07. Subchapter B, Chapter 2302, Occupations Code, is amended to read as follows:

SUBCHAPTER B. BOARD ~~[COMMISSION]~~ POWERS AND DUTIES

Sec. 2302.051. RULES AND ENFORCEMENT POWERS. The board ~~[commission]~~ shall adopt rules as necessary to administer this chapter and may take other action as necessary to enforce this chapter.

Sec. 2302.052. DUTY TO SET FEES. The board ~~[commission]~~ shall set application fees, license fees, renewal fees, and other fees as required to implement this chapter. The board ~~[commission]~~ shall set the fees in amounts reasonable and necessary to implement and enforce this chapter.

Sec. 2302.053. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The board ~~[commission]~~ may not adopt a rule under Section 2302.051 restricting advertising or competitive bidding by a person who holds a license issued under this chapter

1 except to prohibit false, misleading, or deceptive practices by the
2 person.

3 (b) The board [~~commission~~] may not include in its rules to
4 prohibit false, misleading, or deceptive practices a rule that:

5 (1) restricts the use of any advertising medium;

6 (2) restricts the person's personal appearance or use
7 of the person's voice in an advertisement;

8 (3) relates to the size or duration of an
9 advertisement by the person; or

10 (4) restricts the use of a trade name in advertising by
11 the person.

12 SECTION 3I.08. Section 2302.103(b), Occupations Code, is
13 amended to read as follows:

14 (b) An applicant may apply for a salvage vehicle dealer
15 license with an endorsement in one or more of the following
16 classifications:

17 (1) new automobile dealer;

18 (2) used automobile dealer;

19 (3) [~~used vehicle parts dealer,~~

20 [~~(4)~~] salvage pool operator;

21 (4) [~~(5)~~] salvage vehicle broker; or

22 (5) [~~(6)~~] salvage vehicle rebuilder.

23 SECTION 3I.09. Section 2302.108(b), Occupations Code, is
24 amended to read as follows:

25 (b) The board [~~commission~~] by rule shall establish the
26 grounds for denial, suspension, revocation, or reinstatement of a
27 license issued under this chapter and the procedures for

disciplinary action. A rule adopted under this subsection may not conflict with a rule adopted by the State Office of Administrative Hearings.

SECTION 3I.10. Section 2302.204, Occupations Code, is amended to read as follows:

Sec. 2302.204. CASUAL SALES. This chapter does not apply to a person who purchases fewer than three nonrepairable motor vehicles or salvage motor vehicles from a salvage vehicle dealer, an insurance company or salvage pool operator in a casual sale at auction, except that:

(1) the board [~~commission~~] shall adopt rules as necessary to regulate casual sales by salvage vehicle dealers, insurance companies, or salvage pool operators and to enforce this section; and

(2) a salvage vehicle dealer, insurance company, or salvage pool operator who sells a motor vehicle in a casual sale shall comply with those rules and Subchapter E, Chapter 501, Transportation Code.

SECTION 3I.11. (a) Subtitle A, Title 14, Occupations Code, is amended by adding Chapter 2309 to read as follows:

CHAPTER 2309. USED AUTOMOTIVE PARTS RECYCLERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2309.001. SHORT TITLE. This chapter may be cited as the Texas Used Automotive Parts Recycling Act.

Sec. 2309.002. DEFINITIONS. In this chapter:

(1) "Insurance company," "metal recycler," "motor vehicle," "nonrepairable motor vehicle," "nonrepairable vehicle

1 title," "salvage motor vehicle," "salvage vehicle title," and
2 "salvage vehicle dealer" have the meanings assigned by Section
3 501.091, Transportation Code.

4 (2) "Commission" means the Texas Commission of
5 Licensing and Regulation.

6 (3) "Department" means the Texas Department of
7 Licensing and Regulation.

8 (4) "Executive director" means the executive director
9 of the department.

10 (5) "Used automotive part" has the meaning assigned to
11 "used part" by Section 501.091, Transportation Code.

12 (6) "Used automotive parts recycler" means a person
13 licensed under this chapter to operate a used automotive parts
14 recycling business.

15 (7) "Used automotive parts recycling" means the
16 dismantling and reuse or resale of used automotive parts and the
17 safe disposal of salvage motor vehicles or nonrepairable motor
18 vehicles, including the resale of those vehicles.

19 Sec. 2309.003. APPLICABILITY OF CHAPTER TO METAL RECYCLERS.

20 (a) Except as provided by Subsection (b), this chapter does not
21 apply to a transaction to which a metal recycler is a party.

22 (b) This chapter applies to a transaction in which a motor
23 vehicle:

24 (1) is sold, transferred, released, or delivered to a
25 metal recycler as a source of used automotive parts; and

26 (2) is used as a source of used automotive parts.

27 Sec. 2309.004. APPLICABILITY OF CHAPTER TO SALVAGE VEHICLE

1 DEALERS. (a) Except as provided by Subsection (b), this chapter
2 does not apply to a transaction in which a salvage vehicle dealer is
3 a party.

4 (b) This chapter applies to a transaction in which a motor
5 vehicle:

6 (1) is sold, transferred, released, or delivered to a
7 salvage vehicle dealer as a source of used automotive parts; and

8 (2) is used as a source of used automotive parts.

9 Sec. 2309.005. APPLICABILITY OF CHAPTER TO INSURANCE
10 COMPANIES. This chapter does not apply to an insurance company.

11 [Sections 2309.006-2309.050 reserved for expansion]

12 SUBCHAPTER B. ADVISORY BOARD

13 Sec. 2309.051. USED AUTOMOTIVE PARTS RECYCLING ADVISORY
14 BOARD. (a) The advisory board consists of six members representing
15 the used automotive parts industry in this state appointed by the
16 presiding officer of the commission with the approval of the
17 commission.

18 (b) The advisory board shall include members who represent
19 used automotive parts businesses owned by domestic entities, as
20 defined by Section 1.002, Business Organizations Code.

21 (c) The advisory board shall include one member who
22 represents a used automotive parts business owned by a foreign
23 entity, as defined by Section 1.002, Business Organizations Code.

24 (d) Appointments to the advisory board shall be made without
25 regard to the race, color, disability, sex, religion, age, or
26 national origin of the appointee.

27 Sec. 2309.052. TERMS; VACANCIES. (a) Advisory board

1 members serve terms of six years, with the terms of two members
2 expiring on February 1 of each odd-numbered year.

3 (b) A member may not serve more than two full consecutive
4 terms.

5 (c) If a vacancy occurs during a term, the presiding officer
6 of the commission shall appoint a replacement who meets the
7 qualifications of the vacated position to serve for the remainder
8 of the term.

9 Sec. 2309.053. PRESIDING OFFICER. The presiding officer of
10 the commission shall appoint one of the advisory board members to
11 serve as presiding officer of the advisory board for a term of one
12 year. The presiding officer of the advisory board may vote on any
13 matter before the advisory board.

14 Sec. 2309.054. POWERS AND DUTIES OF ADVISORY BOARD. The
15 advisory board shall provide advice and recommendations to the
16 department on technical matters relevant to the administration and
17 enforcement of this chapter, including licensing standards,
18 continuing education requirements, and examination content, if
19 applicable.

20 Sec. 2309.055. COMPENSATION; REIMBURSEMENT OF EXPENSES.
21 Advisory board members may not receive compensation but are
22 entitled to reimbursement for actual and necessary expenses
23 incurred in performing the functions of the advisory board, subject
24 to the General Appropriations Act.

25 Sec. 2309.056. MEETINGS. The advisory board shall meet
26 twice annually and may meet at other times at the call of the
27 presiding officer of the commission or the executive director.

[Sections 2309.057-2309.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 2309.101. GENERAL POWERS AND DUTIES. The executive director or commission, as appropriate, may take action as necessary to administer and enforce this chapter.

Sec. 2309.102. RULES. (a) The commission shall adopt rules for licensing used automotive parts recyclers.

(b) The commission by rule shall adopt standards of conduct for license holders under this chapter.

Sec. 2309.103. EXAMINATION OF CRIMINAL CONVICTION. The department may conduct an examination of any criminal conviction of an applicant, including by obtaining any criminal history record information permitted by law.

Sec. 2309.104. FEES. The commission shall establish and collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this chapter.

Sec. 2309.105. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The commission may not adopt a rule restricting advertising or competitive bidding by a person who holds a license issued under this chapter except to prohibit false, misleading, or deceptive practices by the person.

(b) The commission may not include in its rules to prohibit false, misleading, or deceptive practices a rule that:

- (1) restricts the use of any advertising medium;
- (2) restricts the person's personal appearance or use of the person's voice in an advertisement;
- (3) relates to the size or duration of an

1 advertisement by the person; or

2 (4) restricts the use of a trade name in advertising by
3 the person.

4 Sec. 2309.106. PERIODIC AND RISK-BASED INSPECTIONS. (a)
5 The department may enter and inspect at any time during business
6 hours:

7 (1) the place of business of any person regulated
8 under this chapter; or

9 (2) any place in which the department has reasonable
10 cause to believe that a license holder is in violation of this
11 chapter or in violation of a rule or order of the commission or
12 executive director.

13 (b) The department shall conduct additional inspections
14 based on a schedule of risk-based inspections using the following
15 criteria:

16 (1) the type and nature of the used automotive parts
17 recycler;

18 (2) the inspection history;

19 (3) any history of complaints involving a used
20 automotive parts recycler; and

21 (4) any other factor determined by the commission by
22 rule.

23 (c) A used automotive parts recycler shall pay a fee for
24 each risk-based inspection performed under this section. The
25 commission by rule shall set the amount of the fee.

26 (d) In conducting an inspection under this section, the
27 department may inspect a facility, a used automotive part, a

business record, or any other place or thing reasonably required to enforce this chapter or a rule or order adopted under this chapter.

Sec. 2309.107. PERSONNEL. The department may employ personnel necessary to administer and enforce this chapter.

[Sections 2309.108-2309.150 reserved for expansion]

SUBCHAPTER D. LICENSE REQUIREMENTS

Sec. 2309.151. LICENSE REQUIRED. Unless the person holds an appropriate license issued under this chapter, a person may not own or operate a used automotive parts recycling business or sell used automotive parts.

Sec. 2309.152. GENERAL LICENSE APPLICATION REQUIREMENTS. An applicant for a license under this chapter must submit to the department:

(1) a completed application on a form prescribed by the executive director;

(2) the required fees; and

(3) any other information required by commission rule.

Sec. 2309.153. LICENSE REQUIREMENTS. An applicant for a license under this chapter must:

(1) establish proof of financial responsibility in the manner prescribed by the executive director;

(2) provide proof of ownership or lease of the property where the applicant will operate a used automotive parts recycling facility; and

(3) provide a storm water permit if the applicant is required by the Texas Commission on Environmental Quality to obtain a permit.

1 Sec. 2309.154. NONTRANSFERABILITY OF LICENSE. A license
2 issued by the executive director is valid throughout this state and
3 is not transferable.

4 Sec. 2309.155. CONTINUING EDUCATION. (a) The commission by
5 rule shall recognize or prepare and administer continuing education
6 programs for license holders. Each license holder must complete a
7 continuing education program before the license holder may renew
8 the license holder's license.

9 (b) A person recognized by the commission to offer a
10 continuing education program must:

11 (1) register with the department; and
12 (2) comply with rules adopted by the commission
13 relating to continuing education.

14 Sec. 2309.156. LICENSE RENEWAL. (a) A license issued under
15 this chapter is valid for one year. The department may adopt a
16 system under which licenses expire at different times during the
17 year.

18 (b) The department shall notify the license holder at least
19 30 days before the date a license expires. The notice must be in
20 writing and sent to the license holder's last known address
21 according to the records of the department.

22 (c) A license holder may renew a license issued under this
23 chapter by:

24 (1) paying a renewal fee;
25 (2) providing to the department evidence of financial
26 responsibility;
27 (3) providing proof of ownership or lease of the

property where the license holder operates a used automotive parts recycling facility;

(4) providing a storm water permit if the license holder is required by the Texas Commission on Environmental Quality to obtain a permit; and

(5) completing continuing education as required by Section 2309.155.

[Sections 2309.157-2309.200 reserved for expansion]

SUBCHAPTER E. LOCAL REGULATION

Sec. 2309.201. APPLICABILITY OF CERTAIN MUNICIPAL ORDINANCES, LICENSES, AND PERMITS. (a) The requirements of this chapter apply in addition to the requirements of any applicable municipal ordinance relating to the regulation of a person who deals in nonrepairable or salvage motor vehicles or used automotive parts.

(b) This chapter does not prohibit the enforcement of an applicable municipal license or permit requirement that is related to an activity regulated under this chapter.

[Sections 2309.202-2309.250 reserved for expansion]

SUBCHAPTER F. ENFORCEMENT

Sec. 2309.251. ADMINISTRATIVE PENALTY. (a) The commission may impose an administrative penalty on a person under Subchapter F, Chapter 51, regardless of whether the person holds a license under this chapter, if the person violates:

(1) this chapter or a rule adopted under this chapter;
or

(2) a rule or order of the executive director or

1 commission.

2 (b) An administrative penalty may not be imposed unless the
3 person charged with a violation is provided the opportunity for a
4 hearing.

5 Sec. 2309.252. CEASE AND DESIST ORDER; INJUNCTION; CIVIL
6 PENALTY. (a) The executive director may issue a cease and desist
7 order as necessary to enforce this chapter if the executive
8 director determines that the action is necessary to prevent a
9 violation of this chapter and to protect public health and safety.

10 (b) The attorney general or executive director may
11 institute an action for an injunction or a civil penalty under this
12 chapter as provided by Section 51.352.

13 Sec. 2309.253. SANCTIONS. The department may impose
14 sanctions as provided by Section 51.353.

15 Sec. 2309.254. CRIMINAL PENALTY; LICENSING. (a) A person
16 commits an offense if the person:

17 (1) violates the licensing requirements of this
18 chapter;

19 (2) deals in used parts without a license; or

20 (3) employs an individual who does not hold the
21 appropriate license required by this chapter.

22 (b) An offense under this section is a Class C misdemeanor.

23 [Sections 2309.255-2309.300 reserved for expansion]

24 SUBCHAPTER G. CONDUCTING BUSINESS

25 Sec. 2309.301. DUTIES ON ACQUISITION OF SALVAGE MOTOR
26 VEHICLE. (a) A used automotive parts recycler who acquires
27 ownership of a salvage motor vehicle shall obtain a properly

1 assigned title from the previous owner of the vehicle.

2 (b) A used automotive parts recycler who acquires ownership
3 of a motor vehicle, nonrepairable motor vehicle, or salvage motor
4 vehicle for the purpose of dismantling, scrapping, or destroying
5 the motor vehicle, shall, before the 61st day after the date of
6 acquiring the motor vehicle, submit to the Texas Department of
7 Transportation a report stating that the motor vehicle will be
8 dismantled, scrapped, or destroyed. The recycler shall:

9 (1) submit the report on a form prescribed by the Texas
10 Department of Transportation; and

11 (2) submit with the report a properly assigned
12 manufacturer's certificate of origin, regular certificate of
13 title, nonrepairable vehicle title, salvage vehicle title, or
14 comparable out-of-state ownership document for the motor vehicle.

15 (c) After receiving the report and title or document, the
16 Texas Department of Transportation shall issue the used automotive
17 parts recycler a receipt for the manufacturer's certificate of
18 origin, regular certificate of title, nonrepairable vehicle title,
19 salvage vehicle title, or comparable out-of-state ownership
20 document.

21 (d) The recycler shall comply with Subchapter E, Chapter
22 501, Transportation Code.

23 Sec. 2309.302. RECORDS OF PURCHASES. A used automotive
24 parts recycler shall maintain a record of each motor vehicle,
25 salvage motor vehicle, nonrepairable motor vehicle, and used
26 automotive part purchased.

27 Sec. 2309.303. REGISTRATION OF NEW BUSINESS LOCATION.

Before moving a place of business or opening an additional place of business, a used automotive parts recycler must notify the department of the new location. The used automotive parts recycler shall provide a storm water permit for the location if a permit is required by the Texas Commission on Environmental Quality.

[Sections 2309.304-2309.350 reserved for expansion]

SUBCHAPTER H. ADDITIONAL DUTIES OF USED AUTOMOTIVE PARTS RECYCLER
IN CONNECTION WITH MOTOR VEHICLE COMPONENT PARTS

Sec. 2309.351. DEFINITIONS. In this subchapter:

(1) "Component part" means a major component part as defined by Section 501.091, Transportation Code, or a minor component part.

(2) "Interior component part" means a motor vehicle's seat or radio.

(3) "Minor component part" means an interior component part, a special accessory part, or a motor vehicle part that displays or should display at least one of the following:

(A) a federal safety certificate;

(B) a motor number;

(C) a serial number or a derivative; or

(D) a manufacturer's permanent vehicle identification number or a derivative.

(4) "Special accessory part" means a motor vehicle's tire, wheel, tailgate, or removable glass top.

Sec. 2309.352. REMOVAL OF LICENSE PLATES. Immediately on receipt of a motor vehicle, a used automotive parts recycler shall:

(1) remove any unexpired license plates from the

1 vehicle; and

2 (2) place the license plates in a secure place until
3 destroyed by the used automotive parts recycler.

4 Sec. 2309.353. RECEIPT OF MOTOR VEHICLE. A used automotive
5 parts recycler may not take delivery of a motor vehicle unless the
6 recycler first obtains:

7 (1) a certificate of authority to dispose of the
8 vehicle, a sales receipt, or a transfer document for the vehicle
9 issued under Chapter 683, Transportation Code; or

10 (2) a certificate of title showing that there are no
11 liens on the vehicle or that all recorded liens have been released.

12 Sec. 2309.354. RECORD OF PURCHASE; INVENTORY OF PARTS. (a)
13 A used automotive parts recycler shall keep an accurate and legible
14 inventory of each used component part purchased by or delivered to
15 the recycler. The inventory must contain a record of each part
16 that includes:

17 (1) the date of purchase or delivery;

18 (2) the driver's license number of the seller and a
19 legible photocopy of the seller's driver's license;

20 (3) the license plate number of the motor vehicle in
21 which the part was delivered;

22 (4) a complete description of the part and, if
23 applicable, the make, model, color, and size of the part; and

24 (5) the vehicle identification number of the motor
25 vehicle from which the part was removed.

26 (b) As an alternative to the information required by
27 Subsection (a), a used automotive parts recycler may record:

1 (1) the name of the person who sold the part or the
2 motor vehicle from which the part was obtained; and

3 (2) the Texas certificate of inventory number or the
4 federal taxpayer identification number of the person.

5 (c) The department shall prescribe the form of the record
6 required by Subsection (a) and shall make the form available to used
7 automotive parts recyclers.

8 (d) This section does not apply to:

9 (1) an interior component part or special accessory
10 part from a motor vehicle more than 10 years old; or

11 (2) a part delivered to a used automotive parts
12 recycler by a commercial freight line, commercial carrier, or
13 licensed used automotive parts recycler.

14 Sec. 2309.355. ASSIGNMENT OF INVENTORY NUMBER. (a) A used
15 automotive parts recycler shall:

16 (1) assign a unique inventory number to each
17 transaction in which the recycler purchases or takes delivery of a
18 component part;

19 (2) attach that inventory number to each component
20 part the recycler obtains in the transaction; and

21 (3) retain each component part in its original
22 condition on the business premises of the recycler for at least
23 three calendar days, excluding Sundays, after the date the
24 recycler obtains the part.

25 (b) An inventory number attached to a component part under
26 Subsection (a) may not be removed while the part remains in the
27 inventory of the used automotive parts recycler.

1 (c) This section does not apply to the purchase by a used
2 automotive parts recycler of a nonoperational engine,
3 transmission, or rear axle assembly from another used automotive
4 parts recycler or an automotive-related business.

5 Sec. 2309.356. MAINTENANCE OF RECORDS. A used automotive
6 parts recycler shall keep a record required under this subchapter
7 on a form prescribed by the department or the Texas Department of
8 Transportation. The recycler shall maintain copies of each record
9 required under this subchapter until the first anniversary of the
10 purchase date of the item for which the record is maintained.

11 Sec. 2309.357. SURRENDER OF CERTAIN DOCUMENTS OR LICENSE
12 PLATES. (a) On demand, a used automotive parts recycler shall
13 surrender to the Texas Department of Transportation for
14 cancellation a certificate of title or authority, sales receipt or
15 transfer document, license plate, or inventory list that the
16 recycler is required to possess or maintain.

17 (b) The Texas Department of Transportation shall provide a
18 signed receipt for a surrendered certificate of title.

19 Sec. 2309.358. RESALE OF SALVAGE MOTOR VEHICLES OR
20 NONREPAIRABLE MOTOR VEHICLES. (a) A used automotive parts
21 recycler may sell salvage or nonrepairable vehicles only at the
22 recycler's business location.

23 (b) Before reselling a salvage motor vehicle or
24 nonrepairable motor vehicle, a used automotive parts recycler must
25 post notice on the vehicle of the type of title appropriate to the
26 vehicle.

27 Sec. 2309.359. INSPECTION OF RECORDS. (a) A peace officer

1 at any reasonable time may inspect a record required to be
2 maintained under this subchapter, including an inventory record.

3 (b) On demand by a peace officer, a used automotive parts
4 recycler shall provide to the officer a copy of a record required to
5 be maintained under this subchapter.

6 (c) A peace officer may inspect the inventory on the
7 premises of a used automotive parts recycler at any reasonable time
8 to verify, check, or audit the records required to be maintained
9 under this subchapter.

10 (d) A used automotive parts recycler or an employee of the
11 recycler shall allow and may not interfere with a peace officer's
12 inspection of the recycler's inventory, premises, or required
13 inventory records.

14 [Sections 2309.360-2309.400 reserved for expansion]

15 SUBCHAPTER I. MOTOR VEHICLE SALVAGE YARDS IN CERTAIN COUNTIES

16 Sec. 2309.401. APPLICABILITY OF SUBCHAPTER. This
17 subchapter applies only to a used automotive parts facility located
18 in a county with a population of 2.8 million or more.

19 Sec. 2309.402. LIMITS ON OPERATION OF HEAVY MACHINERY. (a)
20 A used automotive parts recycler may not operate heavy machinery in
21 a used automotive parts recycling facility between the hours of 7
22 p.m. of one day and 7 a.m. of the following day.

23 (b) This section does not apply to conduct necessary to a
24 sale or purchase by the recycler.

25 (b) Section 2302.253, Occupations Code, is repealed.

26 (c) Not later than January 1, 2010, the Texas Commission of
27 Licensing and Regulation shall adopt rules under Section 2309.102,

Occupations Code, as added by Subsection (a) of this section.

(d) Section 2309.151, Occupations Code, as added by Subsection (a) of this section, and Subchapter F, Chapter 2309, Occupations Code, as added by Subsection (a) of this section, take effect September 1, 2010.

SECTION 3I.12. Section 2301.002(33), Occupations Code, is repealed.

PART J. PENAL CODE

SECTION 3J.01. Section 31.03(c), Penal Code, is amended to read as follows:

(c) For purposes of Subsection (b):

(1) evidence that the actor has previously participated in recent transactions other than, but similar to, that which the prosecution is based is admissible for the purpose of showing knowledge or intent and the issues of knowledge or intent are raised by the actor's plea of not guilty;

(2) the testimony of an accomplice shall be corroborated by proof that tends to connect the actor to the crime, but the actor's knowledge or intent may be established by the uncorroborated testimony of the accomplice;

(3) an actor engaged in the business of buying and selling used or secondhand personal property, or lending money on the security of personal property deposited with the actor, is presumed to know upon receipt by the actor of stolen property (other than a motor vehicle subject to Chapter 501, Transportation Code) that the property has been previously stolen from another if the actor pays for or loans against the property \$25 or more (or

1 consideration of equivalent value) and the actor knowingly or
2 recklessly:

3 (A) fails to record the name, address, and
4 physical description or identification number of the seller or
5 pledgor;

6 (B) fails to record a complete description of the
7 property, including the serial number, if reasonably available, or
8 other identifying characteristics; or

9 (C) fails to obtain a signed warranty from the
10 seller or pledgor that the seller or pledgor has the right to
11 possess the property. It is the express intent of this provision
12 that the presumption arises unless the actor complies with each of
13 the numbered requirements;

14 (4) for the purposes of Subdivision (3)(A),
15 "identification number" means driver's license number, military
16 identification number, identification certificate, or other
17 official number capable of identifying an individual;

18 (5) stolen property does not lose its character as
19 stolen when recovered by any law enforcement agency;

20 (6) an actor engaged in the business of obtaining
21 abandoned or wrecked motor vehicles or parts of an abandoned or
22 wrecked motor vehicle for resale, disposal, scrap, repair,
23 rebuilding, demolition, or other form of salvage is presumed to
24 know on receipt by the actor of stolen property that the property
25 has been previously stolen from another if the actor knowingly or
26 recklessly:

27 (A) fails to maintain an accurate and legible

1 inventory of each motor vehicle component part purchased by or
2 delivered to the actor, including the date of purchase or delivery,
3 the name, age, address, sex, and driver's license number of the
4 seller or person making the delivery, the license plate number of
5 the motor vehicle in which the part was delivered, a complete
6 description of the part, and the vehicle identification number of
7 the motor vehicle from which the part was removed, or in lieu of
8 maintaining an inventory, fails to record the name and certificate
9 of inventory number of the person who dismantled the motor vehicle
10 from which the part was obtained;

11 (B) fails on receipt of a motor vehicle to obtain
12 a certificate of authority, sales receipt, or transfer document as
13 required by Chapter 683, Transportation Code, or a certificate of
14 title showing that the motor vehicle is not subject to a lien or
15 that all recorded liens on the motor vehicle have been released; or

16 (C) fails on receipt of a motor vehicle to
17 immediately remove an unexpired license plate from the motor
18 vehicle, to keep the plate in a secure and locked place, or to
19 maintain an inventory, on forms provided by the Texas Department of
20 Motor Vehicles [~~Transportation~~], of license plates kept under this
21 paragraph, including for each plate or set of plates the license
22 plate number and the make, motor number, and vehicle identification
23 number of the motor vehicle from which the plate was removed;

24 (7) an actor who purchases or receives a used or
25 secondhand motor vehicle is presumed to know on receipt by the actor
26 of the motor vehicle that the motor vehicle has been previously
27 stolen from another if the actor knowingly or recklessly:

1 (A) fails to report to the Texas Department of
2 Motor Vehicles [~~Transportation~~] the failure of the person who sold
3 or delivered the motor vehicle to the actor to deliver to the actor
4 a properly executed certificate of title to the motor vehicle at the
5 time the motor vehicle was delivered; or

6 (B) fails to file with the county tax
7 assessor-collector of the county in which the actor received the
8 motor vehicle, not later than the 20th day after the date the actor
9 received the motor vehicle, the registration license receipt and
10 certificate of title or evidence of title delivered to the actor in
11 accordance with Subchapter D, Chapter 520, Transportation Code, at
12 the time the motor vehicle was delivered;

13 (8) an actor who purchases or receives from any source
14 other than a licensed retailer or distributor of pesticides a
15 restricted-use pesticide or a state-limited-use pesticide or a
16 compound, mixture, or preparation containing a restricted-use or
17 state-limited-use pesticide is presumed to know on receipt by the
18 actor of the pesticide or compound, mixture, or preparation that
19 the pesticide or compound, mixture, or preparation has been
20 previously stolen from another if the actor:

21 (A) fails to record the name, address, and
22 physical description of the seller or pledgor;

23 (B) fails to record a complete description of the
24 amount and type of pesticide or compound, mixture, or preparation
25 purchased or received; and

26 (C) fails to obtain a signed warranty from the
27 seller or pledgor that the seller or pledgor has the right to

1 possess the property; and

2 (9) an actor who is subject to Section 409, Packers and
3 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from
4 a commission merchant by representing that the actor will make
5 prompt payment is presumed to have induced the commission
6 merchant's consent by deception if the actor fails to make full
7 payment in accordance with Section 409, Packers and Stockyards Act
8 (7 U.S.C. Section 228b).

9 SECTION 3J.02. Section 31.11(b), Penal Code, is amended to
10 read as follows:

11 (b) It is an affirmative defense to prosecution under this
12 section that the person was:

13 (1) the owner or acting with the effective consent of
14 the owner of the property involved;

15 (2) a peace officer acting in the actual discharge of
16 official duties; or

17 (3) acting with respect to a number assigned to a
18 vehicle by the Texas Department of Transportation or the Texas
19 Department of Motor Vehicles, as applicable, and the person was:

20 (A) in the actual discharge of official duties as
21 an employee or agent of the department; or

22 (B) in full compliance with the rules of the
23 department as an applicant for an assigned number approved by the
24 department.

25 PART K. TAX CODE

26 SECTION 3K.01. Section 21.02(d), Tax Code, is amended to
27 read as follows:

1 (d) A motor vehicle does not have taxable situs in a taxing
2 unit under Subsection (a)(1) if, on January 1, the vehicle:

3 (1) has been located for less than 60 days at a place
4 of business of a person who holds a wholesale motor vehicle auction
5 general distinguishing number issued by the Texas Department of
6 Motor Vehicles [~~Transportation~~] under Chapter 503, Transportation
7 Code, for that place of business; and

8 (2) is offered for resale.

9 SECTION 3K.02. Section 22.04(d), Tax Code, is amended to
10 read as follows:

11 (d) This section does not apply to a motor vehicle that on
12 January 1 is located at a place of business of a person who holds a
13 wholesale motor vehicle auction general distinguishing number
14 issued by the Texas Department of Motor Vehicles [~~Transportation~~]
15 under Chapter 503, Transportation Code, for that place of business,
16 and that:

17 (1) has not acquired taxable situs under Section
18 21.02(a)(1) in a taxing unit that participates in the appraisal
19 district because the vehicle is described by Section 21.02(d);

20 (2) is offered for sale by a dealer who holds a
21 dealer's general distinguishing number issued by the Texas
22 Department of Motor Vehicles [~~Transportation~~] under Chapter 503,
23 Transportation Code, and whose inventory of motor vehicles is
24 subject to taxation in the manner provided by Sections 23.121 and
25 23.122; or

26 (3) is collateral possessed by a lienholder and
27 offered for sale in foreclosure of a security interest.

SECTION 3K.03. Sections 23.121(a)(3), (11), and (14), Tax Code, are amended to read as follows:

(3) "Dealer" means a person who holds a dealer's general distinguishing number issued by the Texas Department of Motor Vehicles ~~[Transportation]~~ under the authority of Chapter 503, Transportation Code, or who is legally recognized as a motor vehicle dealer pursuant to the law of another state and who complies with the terms of Section 152.063(f). The term does not include:

(A) a person who holds a manufacturer's license issued under Chapter 2301, Occupations Code ~~[by the Motor Vehicle Board of the Texas Department of Transportation]~~;

(B) an entity that is owned or controlled by a person who holds a manufacturer's license issued under Chapter 2301, Occupations Code ~~[by the Motor Vehicle Board of the Texas Department of Transportation]~~; or

(C) a dealer whose general distinguishing number issued by the Texas Department of Motor Vehicles ~~[Transportation]~~ under the authority of Chapter 503, Transportation Code, prohibits the dealer from selling a vehicle to any person except a dealer.

(11) "Sales price" means the total amount of money paid or to be paid for the purchase of a motor vehicle as set forth as "sales price" in the form entitled "Application for Texas Certificate of Title" promulgated by the Texas Department of Motor Vehicles ~~[Transportation]~~. In a transaction that does not involve the use of that form, the term means an amount of money that is equivalent, or substantially equivalent, to the amount that would appear as "sales price" on the Application for Texas Certificate of

1 Title if that form were involved.

2 (14) "Towable recreational vehicle" means a
3 nonmotorized vehicle that is designed for temporary human
4 habitation for recreational, camping, or seasonal use and:

5 (A) is titled and registered with the Texas
6 Department of Motor Vehicles [~~Transportation~~] through the office of
7 the collector;

8 (B) is permanently built on a single chassis;

9 (C) contains one or more life support systems;
10 and

11 (D) is designed to be towable by a motor vehicle.

12 SECTION 3K.04. Sections 23.121(f), (g), and (h), Tax Code,
13 are amended to read as follows:

14 (f) The comptroller shall promulgate a form entitled
15 Dealer's Motor Vehicle Inventory Declaration. Except as provided
16 by Section 23.122(1) [~~of this code~~], not later than February 1 of
17 each year, or, in the case of a dealer who was not in business on
18 January 1, not later than 30 days after commencement of business,
19 each dealer shall file a declaration with the chief appraiser and
20 file a copy with the collector. For purposes of this subsection, a
21 dealer is presumed to have commenced business on the date of
22 issuance to the dealer of a dealer's general distinguishing number
23 as provided by Chapter 503, Transportation Code. Notwithstanding
24 the presumption created by this subsection, a chief appraiser may,
25 at his or her sole discretion, designate as the date on which a
26 dealer commenced business a date other than the date of issuance to
27 the dealer of a dealer's general distinguishing number. The

1 declaration is sufficient to comply with this subsection if it sets
2 forth the following information:

3 (1) the name and business address of each location at
4 which the dealer owner conducts business;

5 (2) each of the dealer's general distinguishing
6 numbers issued by the Texas Department of Motor Vehicles
7 [~~Transportation~~];

8 (3) a statement that the dealer owner is the owner of a
9 dealer's motor vehicle inventory; and

10 (4) the market value of the dealer's motor vehicle
11 inventory for the current tax year as computed under Section
12 23.121(b) [~~of this code~~].

13 (g) Under the terms provided by this subsection, the chief
14 appraiser may examine the books and records of the holder of a
15 general distinguishing number issued by the Texas Department of
16 Motor Vehicles [~~Transportation~~]. A request made under this
17 subsection must be made in writing, delivered personally to the
18 custodian of the records, at the location for which the general
19 distinguishing number has been issued, must provide a period not
20 less than 15 days for the person to respond to the request, and must
21 state that the person to whom it is addressed has the right to seek
22 judicial relief from compliance with the request. In a request made
23 under this section the chief appraiser may examine:

24 (1) the document issued by the Texas Department of
25 Motor Vehicles [~~Transportation~~] showing the person's general
26 distinguishing number;

27 (2) documentation appropriate to allow the chief

1 appraiser to ascertain the applicability of this section and
2 Section 23.122 [~~of this code~~] to the person;

3 (3) sales records to substantiate information set
4 forth in the dealer's declaration filed by the person.

5 (h) If a dealer fails to file a declaration as required by
6 this section, or if, on the declaration required by this section, a
7 dealer reports the sale of fewer than five motor vehicles in the
8 prior year, the chief appraiser shall report that fact to the Texas
9 Department of Motor Vehicles [~~Transportation~~] and the department
10 shall initiate termination proceedings. The chief appraiser shall
11 include with the report a copy of a declaration, if any, indicating
12 the sale by a dealer of fewer than five motor vehicles in the prior
13 year. A report by a chief appraiser to the Texas Department of
14 Motor Vehicles [~~Transportation~~] as provided by this subsection is
15 prima facie grounds for the cancellation of the dealer's general
16 distinguishing number under Section 503.038(a)(9), Transportation
17 Code, or for refusal by the Texas Department of Motor Vehicles
18 [~~Transportation~~] to renew the dealer's general distinguishing
19 number.

20 SECTION 3K.05. Section 23.123(c), Tax Code, is amended to
21 read as follows:

22 (c) Information made confidential by this section may be
23 disclosed:

24 (1) in a judicial or administrative proceeding
25 pursuant to a lawful subpoena;

26 (2) to the person who filed the declaration or
27 statement or to that person's representative authorized by the

1 person in writing to receive the information;

2 (3) to the comptroller or an employee of the
3 comptroller authorized by the comptroller to receive the
4 information;

5 (4) to a collector or chief appraiser;

6 (5) to a district attorney, criminal district attorney
7 or county attorney involved in the enforcement of a penalty imposed
8 pursuant to Section 23.121 or Section 23.122 [~~of this code~~];

9 (6) for statistical purposes if in a form that does not
10 identify specific property or a specific property owner;

11 (7) if and to the extent that the information is
12 required for inclusion in a public document or record that the
13 appraisal or collection office is required by law to prepare or
14 maintain; or

15 (8) to the Texas Department of Motor Vehicles
16 [~~Transportation~~] for use by that department in auditing compliance
17 of its licensees with appropriate provisions of applicable law.

18 SECTION 3K.06. Section 23.124(a)(11), Tax Code, is amended
19 to read as follows:

20 (11) "Sales price" means the total amount of money
21 paid or to be paid for the purchase of:

22 (A) a vessel, other than a trailer that is
23 treated as a vessel, as set forth as "sales price" in the form
24 entitled "Application for Texas Certificate of Number/Title for
25 Boat/Seller, Donor or Trader's Affidavit" promulgated by the Parks
26 and Wildlife Department;

27 (B) an outboard motor as set forth as "sales

price" in the form entitled "Application for Texas Certificate of Title for an Outboard Motor/Seller, Donor or Trader's Affidavit" promulgated by the Parks and Wildlife Department; or

(C) a trailer that is treated as a vessel as set forth as "sales price" in the form entitled "Application for Texas Certificate of Title" promulgated by the Texas Department of Motor Vehicles [~~Transportation~~].

In a transaction involving a vessel, an outboard motor, or a trailer that is treated as a vessel that does not involve the use of one of these forms, the term means an amount of money that is equivalent, or substantially equivalent, to the amount that would appear as "sales price" on the Application for Texas Certificate of Number/Title for Boat/Seller, Donor or Trader's Affidavit, the Application for Texas Certificate of Title for an Outboard Motor/Seller, Donor or Trader's Affidavit, or the Application for Texas Certificate of Title if one of these forms were involved.

SECTION 3K.07. Section 113.011, Tax Code, is amended to read as follows:

Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF MOTOR VEHICLES [~~TRANSPORTATION~~]. The comptroller shall furnish to the Texas Department of Motor Vehicles [~~Transportation~~] each release of a tax lien filed by the comptroller with that department.

SECTION 3K.08. Sections 152.0412(a) and (f), Tax Code, are amended to read as follows:

(a) In this section, "standard presumptive value" means the private-party transaction value of a motor vehicle, as determined by the Texas Department of Motor Vehicles [~~Transportation~~] based on

1 an appropriate regional guidebook of a nationally recognized motor
2 vehicle value guide service, or based on another motor vehicle
3 guide publication that the department determines is appropriate if
4 a private-party transaction value for the motor vehicle is not
5 available from a regional guidebook described by this subsection.

6 (f) The Texas Department of Motor Vehicles [~~Transportation~~]
7 shall maintain information on the standard presumptive values of
8 motor vehicles as part of the department's registration and title
9 system. The department shall update the information at least
10 quarterly each calendar year and publish, electronically or
11 otherwise, the updated information.

12 SECTION 3K.09. Section 152.042, Tax Code, is amended to
13 read as follows:

14 Sec. 152.042. COLLECTION OF TAX ON METAL DEALER PLATES. A
15 person required to pay the tax imposed by Section 152.027 shall pay
16 the tax to the Texas Department of Motor Vehicles [~~Transportation~~],
17 and the department may not issue the metal dealer's plates until the
18 tax is paid.

19 SECTION 3K.10. Section 152.121(b), Tax Code, is amended to
20 read as follows:

21 (b) Taxes on metal dealer plates collected by the Texas
22 Department of Motor Vehicles [~~Transportation~~] shall be deposited by
23 the department in the state treasury in the same manner as are other
24 taxes collected under this chapter.

25 SECTION 3K.11. Section 162.001(52), Tax Code, is amended to
26 read as follows:

27 (52) "Registered gross weight" means the total weight

1 of the vehicle and carrying capacity shown on the registration
2 certificate issued by the Texas Department of Motor Vehicles
3 [~~Transportation~~].

4 ARTICLE 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND
5 RIGHTS OF ACTION

6 SECTION 4.01. (a) All powers, duties, obligations, and
7 rights of action of the Motor Vehicle Division and the Vehicle
8 Titles and Registration Division of the Texas Department of
9 Transportation are transferred to the Texas Department of Motor
10 Vehicles, and all powers, duties, obligations, and rights of action
11 of the Texas Transportation Commission in connection or associated
12 with those divisions of the Texas Department of Transportation are
13 transferred to the board of the Texas Department of Motor Vehicles
14 on November 1, 2009.

15 (b) The powers, duties, obligations, and rights of action of
16 the portion of the Motor Carrier Division of the Texas Department of
17 Transportation that is responsible for motor carrier registration
18 and the enforcement of Subtitle F, Title 7, Transportation Code,
19 are transferred to the Texas Department of Motor Vehicles, and the
20 associated powers, duties, obligations, and rights of action of the
21 Texas Transportation Commission are transferred to the board of the
22 Texas Department of Motor Vehicles on November 1, 2009.

23 (c) In connection with the transfers required by
24 Subsections (a) and (b) of this section, the personnel, furniture,
25 computers, other property and equipment, files, and related
26 materials used by the Motor Vehicle Division, the Vehicle Titles
27 and Registration Division, or the portion of the Motor Carrier

1 Division of the Texas Department of Transportation described in
2 Subsection (b) of this section are transferred to the Texas
3 Department of Motor Vehicles.

4 (d) The Texas Department of Motor Vehicles shall continue
5 any proceeding involving the Motor Vehicle Division, the Vehicle
6 Titles and Registration Division, or the portion of the Motor
7 Carrier Division of the Texas Department of Transportation
8 described in Subsection (b) of this section that was brought before
9 the effective date of this Act in accordance with the law in effect
10 on the date the proceeding was brought, and the former law is
11 continued in effect for that purpose.

12 (e) A certificate, license, document, permit, registration,
13 or other authorization issued by the Motor Vehicle Division or the
14 Vehicle Titles and Registration Division of the Texas Department of
15 Transportation or a registration issued by the Motor Carrier
16 Division of the Texas Department of Transportation that is in
17 effect on the effective date of this Act remains valid for the
18 period for which it was issued unless suspended or revoked by the
19 Texas Department of Motor Vehicles.

20 (f) A rule adopted by the Texas Transportation Commission or
21 the director of the Texas Department of Transportation in
22 connection with or relating to the Motor Vehicle Division, the
23 Vehicle Titles and Registration Division, or the portion of the
24 Motor Carrier Division of the Texas Department of Transportation
25 described in Subsection (b) of this section continues in effect
26 until it is amended or repealed by the board of the Texas Department
27 of Motor Vehicles or the Texas Department of Motor Vehicles, as

1 applicable.

2 (g) The unobligated and unexpended balance of any
3 appropriations made to the Texas Department of Transportation in
4 connection with or relating to the Motor Vehicle Division, the
5 Vehicle Titles and Registration Division, or the portion of the
6 Motor Carrier Division of the Texas Department of Transportation
7 described in Subsection (b) of this section for the state fiscal
8 biennium ending August 31, 2009, is transferred and reappropriated
9 to the Texas Department of Motor Vehicles for the purpose of
10 implementing the powers, duties, obligations, and rights of action
11 transferred to that department under Subsection (a) of this
12 section.

13 SECTION 4.02. (a) In connection with the establishment by
14 this Act of the Automobile Burglary and Theft Prevention Authority
15 in the office of the governor and with the transfer by this Act of
16 the duty to provide personnel and services to the Automobile
17 Burglary and Theft Prevention Authority from the Texas Department
18 of Transportation to the office of the governor, the personnel,
19 furniture, computers, other property and equipment, files, and
20 related materials used by the Automobile Burglary and Theft
21 Prevention Authority are transferred to the office of the governor.

22 (b) The unobligated and unexpended balance of any
23 appropriations made to the Texas Department of Transportation in
24 connection with or relating to the Automobile Burglary and Theft
25 Prevention Authority for the state fiscal biennium ending August
26 31, 2009, is transferred and reappropriated to the office of the
27 governor for the purpose of allowing the authority to continue to

1 exercise its powers, duties, and obligations under the auspices of
2 that office.

3 SECTION 4.03. The Transportation Legislative Oversight
4 Committee shall oversee the coordination and collaboration between
5 the Texas Department of Transportation and the Texas Department of
6 Motor Vehicles during the transitions required by Sections 4.01 and
7 4.02 of this article.

8 ARTICLE 5. APPOINTMENT OF BOARD

9 SECTION 5.01. Not later than October 1, 2009, the governor
10 shall appoint the members of the board of the Texas Department of
11 Motor Vehicles in accordance with Subchapter B, Chapter 1001,
12 Transportation Code, as added by this Act.

13 ARTICLE 6. EFFECTIVE DATE

14 SECTION 6.01. This Act takes effect September 1, 2009.